

**THE WESBROOKS LAW FIRM, P.L.L.C.**

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(Admitted Pro Hac Vice)

Attorney for Robert Williamson, III and Vicki's Vodka, LLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT WILLIAMSON, III an individual,

Plaintiff,

vs.

VICTORIA L. GUNVALSON, an individual;  
DAVID BROOKS AYERS, an individual,

Defendants.

DAVID BROOKS AYERS, an individual,

Counterclaimant,

vs.

ROBERT WILLIAMSON, III, an individual;  
CATE WAKEN-WILLIAMSON, an  
individual; and ANGELA TORRES, an  
individual,

Counterdefendants.

BASE CASE NO.:

2:13-cv-01019-JAD- GWF

MEMBER CASE NO.:

2:13-cv-02022-JAD-GWF

**AFFIDAVIT OF MARK D. WESBROOKS,**

COME NOW, Plaintiffs Robert Williamson, III and Vicki's Vodka, LLC  
(collectively "Plaintiffs"), by and through undersigned counsel, and hereby request that  
the Court to enter a "**Judgment**," by default.

1 The following statements are made by Mark D. Wesbrooks, Esq., Counsel for  
2 Plaintiffs, and such statements are true.

3  
4 1. I am the Plaintiffs' Counsel in this court case. I understand and make the  
5 following statements under oath or by affirmation.

6 2. I have read this Affidavit and to the best of my knowledge, everything I  
7 have said is true.

8  
9 3. On September 9, 2013, Plaintiffs filed a Complaint alleging specific causes  
10 of action and damages against Defendant Cougar Juice Vodka, LLC ("Cougar") and paid  
11 the associated filing fee. Cougar was personally served on November 12, 2013, through  
12 its registered agent, Barry Strike.

13  
14 4. Pursuant to The Servicemembers Civil Relief Act, U.S.C. 50 App. § 521,  
15 Defendant Cougar is not in the military service. Further, Defendant Cougar is not a minor  
16 and Defendant Cougar is competent at this time.

17  
18 5. On December 6, 2013, Plaintiffs filed their First Motion for Entry of Clerks  
19 Default (Doc. 8) and the Clerk entered the default against Cougar on December 9, 2013  
20 (Doc. 10). On December 13, 2013, Cougar filed its Motion to Set Aside Clerk's Entry of  
21 Default (Doc. 11). On February 14, 2014, the Court granted Cougar's Motion to Set  
22 Aside the Clerk's Default and ordered an Answer be filed within 10 days. (Doc. 25).  
23 Thereafter, Cougar did not file any Answer within time afforded, nor has any Answer  
24 been filed to date.  
25  
26  
27  
28

1           6.       On January 7, 2019, Plaintiffs filed their second Motion for Entry of Clerks  
2 Default Against Defendant Cougar Juice Vodka, LLC (Doc. 160), and the Clerk of the  
3 Court entered Default against Cougar (Doc. 161). Plaintiff's Motion for Entry of Default  
4 was served via United States Mail on the last known address of Cougar. As of the date of  
5 this filing, Cougar has not plead or otherwise defended the Complaint.  
6

7  
8           7.       Plaintiffs allegations made by and through the Complaint should be taken  
9 as true and admitted. As such, judgment should be entered on the following claims and  
10 for the alleged specific sums asserted in Plaintiff's Complaint:  
11

12                   Plaintiffs' Complaint

13                   Misrepresentations, Fraud, Omissions: "The result of [the]  
14 misrepresentation and omissions is that Plaintiffs were induced to purchase the Brooks  
15 interest and expend funds in excess of \$300,000.00" (Page 12, ¶ 84).  
16

17                   Unjust Enrichment: "As a result of the actions of Defendants, and each of  
18 them, in retaining all of the funds paid to the Defendants, the Plaintiffs have been  
19 damaged and the Defendants, and each of them, have been unjustly enriched in a sum in  
20 excess of Ten Thousand Dollars (\$10,000.00)." (Page 12, ¶ 90).  
21

22                   Promissory Estoppel: "The Plaintiffs have relief upon these promises as  
23 made by the Defendants, and each of them, to their detriment and has been damaged in an  
24 amount in excess of Ten Thousand Dollars (\$10,000.00)." (Page 13, ¶ 94).  
25

26                   Civil Conspiracy: "As a result of this conspiracy RW III has been damaged  
27 in an amount in excess of Ten Thousand Dollars (\$10,000.00)." (Page 13, ¶ 99).  
28

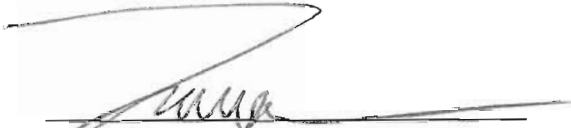
Intentional Infliction of Emotional Distress: "As a result of Defendants' conduct, Plaintiff RW III has been damaged in excess of \$10,000." (Page 15, ¶ 116).

Although Plaintiffs' Complaint alleges damages in minimum sums, with allegations that damages may be for higher amounts, for purposes of default judgment, Plaintiffs seek the minimum specific amounts alleged plus their reasonable attorney's fees and costs. Such minimum sums total the sum of Three Hundred Forty Thousand Dollars (\$340,000.00).


8. Further Affiant sayeth not.

THE WESBROOKS LAW FIRM, P.L.L.C

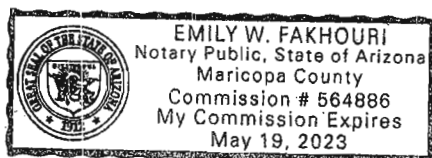
By:

  
Mark D. Wesbrooks, Esq.  
The pWesbrooks Law Firm, PLLC  
Attorneys for Robert Williamson and  
Vicki's Vodka, LLC

SUBSCRIBED AND SWORN TO before me this 2nd day of August, 2019, by Affiant and with a Notary.

  
Notary Public

My Commission expires:



**CERTIFICATE OF SERVICE**

I, Mark Wesbrooks, hereby certify that on August 7th, 2019, I filed through the Court's ECF system and served either through the ECF system or by electronic mail the foregoing document described as: **AFFIDAVIT OF MARK D. WESBROOKS, ESQ.** using the Court's electronic filing system. A copy of the foregoing document(s) will be served via the Court's electronic filing system on interested parties in this action, or by email/regular mail as follows:

**2:13-cv-01019-JAD-GWF Notice has been electronically mailed to:**

Edward Randall Miley  
emiley@mileylaw.com

Michael D. Mazur  
complaint@mazurbrooks.com

Tony L. Abbatangelo  
LasVegasLawoffice@gmail.com

**Regular First Class Mail, and as Indicated on same date:**

Angela Torres  
6715 Rim Rock Circle, Northwest  
Albuquerque, NM 87120

Michael Nicholson  
P.O. Box 32  
Calistoga, CA 94515

Cougar Juice Vodka, LLC  
1808 Michael Way  
Calistoga, CA 94515

Sweetwater Distillers, Inc.  
Attn: John J. Moylan  
2985 24<sup>th</sup> Avenue  
San Francisco, CA 94132

/s/Mark Wesbrooks